

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7097

BILL NUMBER: HB 1262

NOTE PREPARED: Jan 8, 2006

BILL AMENDED:

SUBJECT: Isolation or Quarantine by Public Health Authority.

FIRST AUTHOR: Rep. Welch

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes the procedure for a public health authority to obtain or issue an order to restrict the movement of an individual in the least restrictive manner when there is evidence that the individual has been exposed to a communicable disease.

The bill provides that a person, medical clinic, health care facility, or other location that meets certain criteria is immune from civil liability resulting from an act or omission in providing health care services during an event that is declared a disaster.

The bill also makes it a Class A misdemeanor to violate the conditions of quarantine or isolation. The bill repeals superseded provisions concerning the isolation of certain individuals.

Effective Date: July 1, 2006.

Explanation of State Expenditures: The bill establishes the procedure to be used for a health officer to impose isolation or quarantine in the least restrictive manner on an individual that has been exposed to a communicable disease. Health officers currently have the authority to impose quarantine on individuals. This bill specifies the court procedure to be used if a public health officer believes that restriction of an individual's movement is necessary to avoid exposure of other individuals to the communicable disease.

The bill also establishes immunity for certain parties from civil liability resulting from an act or omission in providing health care services during an event that is declared a public health disaster emergency. This provision should have no fiscal impact.

Explanation of State Revenues: The bill creates a new Class A misdemeanor of violating quarantine or isolation. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Department of Health.

Local Agencies Affected: Trial courts, local law enforcement agencies, and local health officers.

Information Sources:

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